



Arizona State Board of Pharmacy

1700 W. Washington, Suite 250

Phoenix, AZ 85007

Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MAY 14 AND MAY 15, 2008
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – May 14, 2008

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Joanne Galindo, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Ridge Smidt, Paul Sypherd, and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 5, Schedule F, Special Request for Mansur Oloumi.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaint #3524.

Due to a conflict of interest, Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaints #3489, #3513, #3525, #3527, and #3531.

Due to a conflict of interest, Mr. Milovich recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 5, Schedule B, Special Request for Kevin Denick.

Due to a conflict of interest, Mr. Milovich recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 6, Schedule C, License applications requiring Board Approval for Richard Cisneros.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaints #3431, #3458, #3491, #3500, #3501, #3507, #3509, #3514, #3515, #3516, #3517, and #3539.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Haiber and seconded by Mr. Van Hassel**, the minutes of the Regular Meeting held on March 19 and 20, 2008 and the Executive Session held on March 19, 2008 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Permits and Licenses

President Berry stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Havasu Health Care Pharmacy, Inc.

Owner Kelly Dahlberg and Pharmacist in Charge Nancy Czarnecky were present via telephone to answer Board Member's questions.

President Van Berry opened the discussion by asking the applicants to describe the nature of their new pharmacy business.

Ms. Dahlberg stated that they planned to provide prescriptions and medical supplies to nursing homes and long term care facilities.

Dr. Berry asked Ms. Dahlberg if they would be wholesaling prescription items and medical supplies. Ms. Dahlberg replied no.

Dr. Berry asked Ms. Dahlberg why there was an area on the floor plans marked as medical supply wholesale. Ms Dahlberg replied that they plan to stock medical supplies in that area that they would be selling to the nursing homes.

Dr. Berry asked Ms. Dahlberg what products they would be selling to the nursing homes. Ms. Dahlberg replied that they would stock products, such as diapers, food supplements, and syringes.

Dr. Berry asked Ms. Dahlberg if they would be compounding any medications. Ms. Dahlberg replied no.

Mr. Wand asked Ms. Dahlberg if she was aware that the square footage of 340 square feet would only allow three people to work in the pharmacy. Ms. Dahlberg stated that they were aware that only three people would be able to work in the pharmacy.

On motion by Mr. McAllister and Mr. Van Hassel, the Board unanimously approved the permit application for Havasu Health Care Pharmacy, Inc.

WebVetRx, Inc.

Pharmacist Matthew Curley, and Dave Arakelian Regional Manager for the Device Division were present to answer Board Member's questions.

President Berry opened the discussion by stating that the permit for WebVetRx was tabled at the March meeting and the applicants were asked to appear at the May meeting to provide a schematic business model to the Board. Dr. Berry opened the discussion by asking the applicants to describe their business model. Mr. Curley stated at the March meeting there seemed to be a conflict with their business plan. Mr. Curley stated that they have changed their business model to be a typical pharmacy.

Dr. Berry asked Mr. Curley to describe their new business model. Mr. Curley stated that every client would need to be seen by the veterinarian. Mr. Curley stated that the veterinarian would then have the option to dispense the medication or write a prescription for the patient. Mr. Curley stated that the veterinarian could also call in the prescription to their pharmacy, fax the prescription to the pharmacy, or e-mail the prescription to the pharmacy. Mr. Curley stated that the prescription would then be entered into the database, processed, shipped to the patient, and the clinic would be billed. Mr. Curley stated that the client could order otc products, refill prescriptions, or view their pet's records through their secure internet link.

Dr. Berry asked Mr. Curley if the products would be shipped to the patient or the clinic. Mr. Curley replied that the products would be shipped to the home of the owner.

Dr. Berry asked Mr. Curley if they would be compounding medications. Mr. Curley replied yes.

Mr. Milovich asked if this would be a closed-door pharmacy. Mr. Curley replied yes.

Mr. Milovich asked if they would consider becoming an open door pharmacy in the future. Mr. Curley replied no.

Mr. Wand asked if the veterinary exam would consist of a physical exam by the veterinarian or would the exam be conducted over the internet by filling out a questionnaire. Mr. Curley replied that in California the veterinarian is required to establish a client-pet relationship and the veterinarian would see the pet.

Mr. Wand asked if all the veterinarians are located in California. Mr. Curley replied yes. Mr. Curley replied that the veterinarians do business with Victor Medical supplies and the pharmacy is a subsidiary of Victor Medical. Mr. Curley stated that the owners also own Victor Medical.

Mr. Van Hassel asked if the pharmacy would be repackaging medication for veterinary clinics. Mr. Curley replied no.

Dr. Berry asked if all their clients reside in California. Mr. Curley replied yes.

Dr. Berry asked Mr. Curley if they would ship any products to Arizona clients. Mr. Curley replied no.

Dr. Berry asked why the applicants wanted to locate their pharmacy in Arizona if their clients reside in California. Mr. Curley replied that it would be more affordable because the veterinary pharmacies in California charge high prices for the medications. Mr. Arakelian stated that the reason the California pharmacies charge higher prices is due to the fact the real estate and other costs are higher in California.

Dr. Berry asked if the Nevada Pharmacy Board denied their application. Mr. Curley stated that the application was denied based on the previous business model.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the permit application for WebVetRx, Inc.

At the conclusion of questions from the Board Members and **on motion by Mr. McAllister and seconded by Mr. Haiber**, the Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Safeway Pharmacy #2709	5035 W. Baseline Rd, Phoenix, AZ 85339	Safeway Inc.
The Guidance Center Pharmacy-Williams	125 S. 3 rd St., Williams, AZ 86046	The Guidance Center, Inc.
CVS Pharmacy #193	4990 S. Arizona Ave, Chandler, AZ 85248	German Dobson CVS, LLC.
Havasus Health Care Pharmacy, Inc.	3560 Challenger, #106 Lake Havasu City, AZ 86406	Havasus Health Care Pharmacy, Inc.
CVS Pharmacy # 3500	1625 N. 44 th St., Phoenix, AZ 85008	German Dobson CVS, LLC
Walgreens Pharmacy #11183	3200 E. Speedway Blvd, Tucson, AZ 85716	Walgreen Arizona Drug Co.
WebVetRx, Inc.	7910 Kyrene, Suite 106, Tempe, AZ	WebVetRx, Inc

Non-Resident Permits

President Berry stated that all permits were in order for non- resident pharmacies and a representative from College Pharmacy was present to answer questions from Board members.

College Pharmacy

Pharmacist In Charge Jerry Gillick was present to answer Board Member's questions.

President. Berry opened the discussion by stating that the permit for College Pharmacy was tabled at the March meeting to allow the Board Members to gather more information concerning the stipulations that the Colorado Board of Pharmacy placed on the permit issued to College Pharmacy.

Dr. Berry stated that College Pharmacy has signed a Consent Agreement, which mimics the Consent Agreement that they signed in Colorado.

Ms. Campbell stated that the Consent Agreement would place the applicant on probation for seven years, which matches the time frame of the Colorado agreement. Ms. Campbell stated the there are two main differences. The Consent Agreement with the Arizona Board does not include a civil penalty and does not require the Arizona Board to approve the Pharmacist in Charge.

Dr. Smidt asked what was the purpose of issuing the consent. Ms. Campbell stated that College Pharmacy had issues with the alleged compounding of Human Growth Hormone.

Mr. Gillick stated that the issues with the compounding of the Human Growth Hormone occurred under the ownership of the old owner.

Ms. Campbell indicated that if the allegations are removed and Colorado removes the stipulations then the Consent Order in Arizona could be changed accordingly.

Dr. Smidt asked Mr. Gillick if they were compounding any commercially available products. Mr. Gillick replied that if a commercially available product were available they would dispense that product.

Dr. Smidt asked Mr. Gillick if they are dispensing products for only FDA labeled uses. Mr. Gillick replied yes.

Mr. Van Hassel asked Mr. Gillick what is the major product that they compound. Mr. Gillick stated that College Pharmacy is a large compounding pharmacy and they compound many different products.

Mr. Van Hassel asked Mr. Gillick if they compound for office use. Mr. Gillick replied that they do compound for office use and do not exceed the limit of 10% which is the limit set by the Colorado Board.

Mr. Wand reminded Mr. Gillick that he could not compound more than 5% in Arizona.

Dr. Smidt asked Ms. Campbell what would happen if College Pharmacy compounds commercially available products other than Human Growth Hormone. Ms. Campbell stated that if the Board issues a license to College Pharmacy and they violate any Arizona laws then the Board could take action against the permittee.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board agreed to accept the Consent Agreement signed by College Pharmacy and issue College Pharmacy a non-resident pharmacy permit. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – nay, Ms. Honeyestewa – aye, Mr. Milovich – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Mr. McAllister – aye, and Dr. Berry – nay)

At the conclusion of questions from the Board Members and **on motion by Mr. McAllister and seconded by Dr. Smidt**, the Board unanimously approved the non-resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Affinity Biotech	1810 B. 203 rd St., Omaha, NE 68022	Affinity Biotech, Inc.
Advanced Medical Therapeutics	4217 S. New Hope Rd., Gastonia, NC 28056 (O)	Pharmacy Management Services of NC, Ltd.
AYS Rx	2221 Las Palmas Dr., G, Carlsbad, CA 92011	AYS LP
Vet Rx Direct	1150 5 th St., Suite 146, Coralville, LA 52241	VetCara, LLC
Pharmacy Solutions	2201 Waukegan Rd, Deerfield, IL 60015 (O)	Lake Products Sale, Inc.
MWI Veterinary Supply	2450 Midpoint Dr., Edwardsville, KS 66111	MWI Veterinary Supply
House of Medicine	9025 Wilshire Blvd., Suite 200, Beverly Hills, 90211	Jahangir Janfaza
Coram Alternative Site Services, Inc.	1471 Business Center Dr., Suite 500, Mt. Prospect, IL 60056	Coram Alternative Site Services, Inc.

(O) = Ownership Change

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President Berry stated that all license requests and applications were in order.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Van Hassel and seconded by Dr. Sypherd, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

AGENDA ITEM 5 – Special Requests

#1 Mansur Oloumi

Mansur Oloumi appeared on his own behalf to request that the Board terminate his probation per Board Order 01-0013-PHR.

Mr. Haiber was recused due to a conflict of interest.

President Berry asked Mr. Oloumi to address the nature of his request. Mr. Oloumi stated that he had completed the requirements of his consent agreement and has completed his PAPA contract and is requesting that the Board terminate his probation.

Ms. Frush stated that the PAPA Steering Committee supports his request and Mr. Oloumi's PAPA counselor has sent a letter supporting Mr. Oloumi's request.

Mr. Milovich asked Mr. Oloumi if he had completed his community service hours. Mr. Oloumi stated that his wife runs a day care service and he performed his community service hours at the day care center. Mr. Oloumi stated that he provides transportation for field trips for the children and landscaped the day care center grounds.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to approve Mr. Oloumi's request and terminate the probation imposed by Board Order 01-0013-PHR.

#2 Robert Wilcox

Robert Wilcox appeared on his own behalf to request that the Board terminate his suspension and impose probation per Board Order 08-0016-PHR.

President Berry asked Mr. Wilcox to address the nature of his request. Mr. Wilcox stated that he would like the Board to remove the suspension on his license and impose probation.

Ms. Frush stated that the PAPA Steering Committee supports his request. Ms. Frush stated that Mr. Wilcox has been compliant with his contract and has a letter of support from his PAPA counselor.

Ms. Campbell stated that Mr. Wilcox was given credit for the time that he had been in treatment prior to signing his consent agreement.

Dr. Berry asked Mr. Wilcox what he has been doing since he signed his PAPA contract. Mr. Wilcox replied that he attended an in-patient treatment program. Mr. Wilcox stated that he is actively involved in the local AA group and is working at Safe Harbor. Mr. Wilcox stated that he attends 7 to 10 meetings a week. Mr. Wilcox stated that it is up to him to change what he does with his life.

Dr. Berry asked Mr. Wilcox if this was his first time under a PAPA contract. Mr. Wilcox stated that he participated in a confidential program in Michigan in 1995 and completed the program.

Mr. Van Hassel asked Mr. Wilcox what was the mitigating factor that caused him to use controlled substances again. Mr. Wilcox stated that he was an example of the classic geographic move. Mr. Wilcox stated that when he moved he stopped going to meetings and stopped working the 12 steps needed to maintain recovery. Mr. Wilcox stated that the first time all he wanted to do was return to work, so he did what was necessary. Mr. Wilcox stated that this time he must work the program.

Mr. Van Hassel asked if the added access to pharmaceuticals when he returns to work would cause any problems. Mr. Wilcox stated that the temptation would always be there. Mr. Wilcox stated that he has people to call and the people that he works with know of his problems.

Mr. Van Hassel asked if the Board should remove the suspension now or wait until May 28, 2008, which would be exactly four months.

Mr. McAllister stated that he felt the suspension could be lifted now because the reason Mr. Wilcox appeared is a calendar issue.

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board agreed to approve Mr. Wilcox's request and remove the suspension and impose probation immediately per Board Order 08-001-PHR. There was one nay vote by Mr. Van Hassel.

#3 Kevin Denick

Don Featherstone, Pharmacy Supervisor for Bashas', appeared to request that the Board amend Kevin Denick's consent agreement.

Mr. Milovich was recused due to a conflict of interest.

President Berry opened the discussion by asking Mr. Featherstone to describe the nature of his request.

Mr. Featherstone stated that Mr. Denick works at their store in San Luis. Mr. Featherstone stated Mr. Denick signed a consent agreement that requires that he work with another pharmacist. Mr. Featherstone stated that the Pharmacy Manager at the San Luis store is transferring to another store and they would only have one full-time pharmacist working at the store. Mr. Featherstone stated that it is difficult to hire a pharmacist for that location. Mr. Featherstone stated that they are requesting that the Board amend Mr. Denick's consent agreement with the Board to allow him to work alone.

Mr. Wand asked if this would be for a limited time period. Mr. Featherstone stated that they are requesting a 90-day time period to allow them to hire another pharmacist for the store.

Ms. Campbell stated that Bashas' has an interest in the case, but it is up to Mr. Denick to agree to an addendum to his consent order. Mr. Featherstone stated that Mr. Denick is available by phone.

Mr. McAllister stated that Mr. Denick was offered the consent because of his behaviors and does not feel the consent agreement should be changed. Mr. McAllister suggested that they send another pharmacist to the San Luis store and send Mr. Denick to a Phoenix store to work where there is a pharmacist to supervise his activities.

Mr. Haiber suggested that there are other options such as reducing the pharmacy hours.

Mr. Featherstone stated that there are few floaters available to work in San Luis. Mr. Featherstone stated that the store fills about 1,900 prescriptions per week and to shorten the hours would place a burden on their patients. Mr. Featherstone stated that the patients would need to drive 30 miles to Yuma to fill their prescriptions.

Mr. Featherstone stated that he has witnessed Mr. Denick's work performance and has had no issues with his work performance.

Dr. Sypherd stated that a work shortage at the store is not the Board's problem.

Mr. Van Hassel stated that there has been a shortage of pharmacists in that area for the last few years. Mr. Van Hassel stated that he feels that they could hire a temporary pharmacist through the staffing agencies. Mr. Van Hassel stated that he feels that this is not a Board issue.

On motion by Mr. Van Hassel and seconded by Dr. Sypherd, the Board denied the request to amend Kevin Denick's consent agreement.

#4 Procter & Gamble

Jeff Niland, QA Manager, appeared on behalf of Procter & Gamble to request that they be allowed to deviate from the requirement to have a pharmacist on site during the manufacturing of a drug (Metamucil) due to technological advancements.

President Berry opened the discussion by asking Mr. Niland to describe the nature of his request.

Mr. Niland stated that Procter & Gamble is requesting permission not to have a pharmacist on site during the manufacturing of Metamucil. Mr. Niland stated that they are routinely inspected by the FDA and have never had any violations.

Mr. Niland stated that his company continuously focuses on new technology. Mr. Niland stated that his company has recently implemented two technological improvements. Mr. Niland stated that they have improved their computer monitoring and work systems. Mr. Niland stated that due to these innovations they are requesting the waiver.

Dr. Smidt asked Mr. Niland if the position is difficult to fill or if there is no added value in having a pharmacist present on site.

Mr. Niland stated that they did have a pharmacist on site for several years. Mr. Niland stated that the pharmacist had become very knowledgeable and was a huge help. Mr. Niland stated that the pharmacist had recently quit to pursue other opportunities and since that time they have used numerous pharmacists from temporary staffing agencies. Mr. Niland stated that the agency did not always send the same pharmacist so that often created problems. Mr. Niland stated that with the technological improvements he feels that the pharmacist would not be needed during the manufacturing process.

Mr. McAllister asked if the statute had been changed eliminating the pharmacist in charge at a manufacturing facility.

Mr. Wand stated that the Governor has signed the statute change, but the change would not take effect until after the session ends. Mr. Wand stated that the change would occur probably in September.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously approved the waiver request by Procter & Gamble to deviate from the requirement to have a pharmacist on site during the manufacture of Metamucil due to technological advancements.

#5 El Rio Health Center

Pharmacy Director Tony Felix and Pharmacist in Charge Ramon Robles appeared on behalf of El Rio Health Services to request a waiver to allow onsite telepharmacy services for El Pueblo clinic without a pharmacist on site at the clinic. Mike Cogland from ScriptPro was also present.

President Berry opened the discussion by asking the respondents to describe the nature of their request.

Mr. Felix stated that they would like to provide telepharmacy services for El Pueblo Clinic. Mr. Felix stated that the El Pueblo clinic services the elderly and poverty level families. Mr. Felix stated that most patient's incomes fall below the poverty line. Mr. Felix stated that many of the patients are seen at the clinic and do not have their prescriptions filled because they do not have transportation to the pharmacy. Mr. Felix stated that the telepharmacy services would allow the patient to pick up their medications at the El Pueblo Clinic before they leave the clinic.

Dr. Berry asked what is the distance between the El Rio pharmacy and the El Pueblo Clinic. Mr. Felix stated that there is a distance of 7.5 miles.

Dr. Berry asked if it was possible to have a pharmacy at both sites. Mr. Felix stated that a full service pharmacy would not be needed at El Pueblo.

Dr. Berry asked Mr. Felix to explain the telepharmacy procedure. Mr. Felix stated that a copy of the prescription would be scanned at the clinic. A technician at the host pharmacy would process the prescription and a pharmacist at the host pharmacy would review the prescription. Mr. Felix stated that the prescription would be sent electronically to the

remote site. Once the prescription reaches the remote site, a technician would see the alert and access the prescription queue. The technician would then prepare the prescription. The medications at the remote site would be stored in a secure cabinet. The medication bottles would have a barcode on the bottle or would be unit of use packages, such as insulin. The technician would scan the medication and take a picture of the medication and the pharmacist at the host site could view the bottle. Mr. Felix stated that there are audio, visual, and computer links.

Dr. Berry asked what drugs would be available at the remote site. Mr. Felix stated that there would be a limited formulary and no controlled substances would be filled at the remote site.

Mr. Felix stated that they would be maintaining a perpetual inventory and there would be random audits of the medication storage cabinet.

Dr. Berry asked Mr. Felix if the host pharmacy and the remote site would view the same prescription image. Mr. Felix stated that the host pharmacy and the remote site view the same prescription image, the bottle image, and the label image. Mr. Felix stated that if necessary the host pharmacy could request additional images. Mr. Felix stated that due to the various links the pharmacist at the host site could counsel the patient at the remote site in private. Mr. Felix stated that the labels and the consultation would be available both in English and Spanish.

Dr. Smidt asked what would happen if the prescriptions were sent to the host pharmacy and filled at the remote site and the patient was not present at that time. Mr. Felix stated that the prescription would be placed in the locked cabinet after the pharmacist at the remote site verified the prescription. Mr. Felix stated that the patient could only pick up a prescription at the remote site if the pharmacy is open and the audio-visual equipment is working properly.

Mr. Felix stated that if the prescription is a refill and is picked up at the remote site the patient would be counseled.

Dr. Smidt asked Mr. Felix what would happen if the patient refuses counseling. Mr. Felix stated that the patient must waive counseling by telling the pharmacist through the audio-visual linkage that they do not want to be counseled.

Dr. Smidt asked what would prevent someone from giving the patient their medication from the storage cabinet. Mr. Felix stated that the process must be initiated at the host pharmacy for every new prescription or refill prescription. The technician must bar scan every medication pulled from the cabinet and the pharmacist at the host pharmacy must verify the medication.

Dr. Smidt asked how far away the nearest retail pharmacy is to the clinic. Mr. Felix stated that the nearest retail pharmacy is about two miles away.

Dr. Smidt asked what is the rationale for opening a pharmacy at the remote site. Mr. Felix stated that many of the patients are under the state AHCCCS plans or do not have funds to pay for their medications. Mr. Felix stated that they have funding and compassion care

programs available to them to fill these medications that are not available to other pharmacies. Mr. Felix stated that if they do not have the on site pharmacy services many patients would delay their care.

Dr. Smidt asked if this is a 340B pharmacy. Mr. Felix replied yes.

Ms. Galindo asked if the satellite pharmacy would be staffed with a technician. Mr. Felix replied yes.

Ms. Galindo asked if the pharmacy would need to increase their pharmacist staffing to review the extra prescriptions from the clinic. Mr. Felix replied that they would not increase their pharmacy staffing at this time. Mr. Felix stated that the increase in prescription volume would be 25 to 30 prescriptions a day and the current staff could handle the extra volume.

Mr. Milovich asked if during the inspection process if the pharmacist would see the contents of the vial. Mr. Felix stated that the technician could take the cap off and show the contents of the vial. Mr. Cogland stated that the technician could take multiple pictures and send the images to the pharmacist.

Mr. Milovich asked who would be filling the Scriptpro machine. Mr. Felix stated that a pharmacist would verify with his initials that he checked the product.

Mr. Milovich asked how often they would take inventory. Mr. Felix stated that they would at least take an annual inventory. Mr. Felix stated initially they might take inventory every month.

Mr. Haiber asked if this is the first site with El Rio Health Services that would use this type of technology. Mr. Felix stated that this would be the first site and they have reviewed North Dakota's regulations.

Mr. Haiber asked if the pharmacist would be able to see the complete label. Mr. Cogland stated that the technician could take another image so that the whole label is seen at once. Mr. Cogland stated that the label shows descriptive characteristics of the medication.

Dr. Sypherd asked if the technician at the remote site operates the camera. Mr. Cogland replied yes.

Dr. Berry asked how these patients are currently receiving their medications. Mr. Felix stated that they have limited delivery from their pharmacy, offer mail order to the patient, and the patients often go to a local pharmacy.

Dr. Berry asked if establishing this remote site is less costly than home delivery. Mr. Felix stated that they would break even due to federal funding.

Mr. Van Hassel asked how this would be effective for 20 prescriptions a day. Mr. Felix stated that there is a potential for a large number of patients to obtain their prescriptions at the remote site. Mr. Felix stated that up to 40 or 45 patients would use the service.

Mr. Cogland clarified for the Board Members that the robot will be at the host pharmacy and just audio-visual equipment will be present at the remote site.

Mr. Felix stated that they would be leasing the equipment and the host pharmacy would have the robot do the pre-filling. Mr. Felix stated that the pre-filled medications would be stored in a locked cabinet at the remote site.

Dr. Berry asked if the medications would be labeled at the remote site. Mr. Felix replied yes. Mr. Cogland stated that all medications at the remote site would be barcoded. Mr. Cogland stated that the barcode on the label would match the barcode on the bottle.

Mr. Milovich asked if the system has the capability to scan the back of the prescription. Mr. Felix replied yes.

Mr. McAllister asked if the pre-fills are for a certain quantity. Mr. Felix replied that the medications would be pre-filled in quantities specified by their formulary.

Dr. Smidt asked how they plan to supervise who has entry into the room. Mr. Felix stated that the cabinet where the medication is stored is alarmed and the technician must have a password to access the system. Mr. Felix stated that they had not considered securing the room but they could secure the room if necessary.

Dr. Sypherd asked how the medications get from the host site to the remote site. Mr. Felix stated that the medications would be delivered in a sealed tote and a pharmacist would be involved in the delivery.

Dr. Berry asked if the video is on while the dispensing occurs. Mr. Cogland stated that a camera could be installed that scans the whole area. Mr. Cogland stated that currently the camera takes images of the product and prescription bottles. Mr. Felix stated that the camera would be an additional expense and the pharmacist is responsible for replenishing the cabinet and would be responsible for checking the inventory in the cabinet.

It was determined that the pharmacy would operate as a satellite of the host pharmacy.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the request by El Rio Health Services to allow onsite telepharmacy services for El Pueblo Clinic without a pharmacist present on site. The pharmacy must take at least a bi-annual inventory. The waiver is granted per A.R.S. 32-1904 (B) (6) due to technological advances. In one year, the pharmacy should submit a report to the Board showing the products stocked in the cabinet and the volume of prescriptions filled.

AGENDA ITEM 6 – License Applications Requiring Board Review

#1 Richard Cisneros

Richard Cisneros appeared on his own behalf to request to proceed with pharmacy technician trainee licensure.

President Berry opened the discussion by asking Mr. Cisneros why he was appearing in front of the Board.

Mr. Cisneros stated that he wants to be licensed as a pharmacy technician trainee, but has a felony conviction.

Dr. Berry asked Mr. Cisneros if he has worked as a technician. Mr. Cisneros stated no. Mr. Cisneros stated that he is obtaining a degree in chemistry and would like to work in the pharmacy field.

Dr. Berry asked how long ago his felony occurred. Mr. Cisneros stated in 2005.

Ms. Campbell asked Mr. Cisneros if he is still on probation. Mr. Cisneros stated that his probation would end on the 20th of May of this year.

Dr. Berry asked Mr. Cisneros if he has attended counseling sessions. Mr. Cisneros stated that he has and his counseling sessions end next month.

Mr. Van Hassel asked Mr. Cisneros if this is his only felony conviction. Mr. Cisneros replied yes.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously approved the request by Mr. Cisneros to proceed with pharmacy technician trainee licensure.

AGENDA ITEM 7 – Review and possible action regarding Bereket Gebre-Egziabher's request to declare prior censure closed and satisfied

Bereket Gebre- Egziabher was present. Ken Baker, Legal Counsel for Mr. Gebre-Egziabher was present.

President Berry opened the discussion by asking Ms. Campbell to address the Board Members concerning this request.

Ms. Campbell stated that the pharmacist agreed to the degree of censure by signing the agreement. Ms. Campbell stated that he also paid the penalty. Ms. Campbell stated that there is no statute that authorizes the Board to declare a prior censure closed and satisfied.

Mr. Baker stated that this is an unusual request. Mr. Baker stated that the censure was a result of a complaint filed in 2004. Mr. Baker stated that the patient complained about a mis-filled prescription and not counseling. Mr. Baker stated that his client is not likely to repeat this error again. Mr. Baker stated that his client did not know that there was a prescription that needed counseling. Mr. Baker stated that he is not asking the Board to change the original order.

Mr. Wand stated that he feels that Mr. Gebre-Egziabher is requesting that the Board remove the disciplinary action from the website. Mr. Wand stated that all previous disciplinary actions remain on the website.

Dr. Smidt made a motion to change the censure to a letter. The motion was not seconded.

Ms. Campbell stated that the pharmacist accepted the decree of censure and at this time the case is closed. Ms. Campbell stated that once disciplinary action is taken it becomes a part of the pharmacist's record. Ms. Campbell stated that it is not the practice of any Board to rescind an agreement and declare the agreement as closed and satisfied. Ms. Campbell stated that there is no procedure to declare a prior censure closed and satisfied.

Mr. McAllister stated that it was the mood of the Board in 2004 that the error could have been prevented if counseling occurred. Mr. McAllister stated that even if Mr. Gebre-Egziabher were a floater at the store he was the pharmacist on duty at the time and responsible for the technicians. Mr. McAllister stated that the Board at that time felt a censure was appropriate and the case is closed.

Dr. Smidt asked if the Executive Director could send to the respondent a letter stating what he has accomplished since this time.

Dr. Berry stated that there might be a difference in the way Mr. Gebre-Egziabher practices now, but the censure cannot be closed.

Mr. Gebre-Egziabher stated that the pharmacist in charge made a mistake in filling the prescription. Mr. Gebre-Egziabher stated that he had only been practicing as a pharmacist for 3 months. Mr. Gebre-Egziabher stated that the pharmacist in charge told the compliance officer if he had counseled the patient the error would have been caught. Mr. Gebre-Egziabher stated that he was not given an opportunity to speak in front of the Board and there was no error made on his part. Mr. Gebre-Egziabher stated that it was the responsibility of the Pharmacy Manager to train the technicians to call the pharmacist when counseling was required.

Mr. Milovich stated that he sees no harm in the Executive Director sending a letter to the respondent.

Mr. Van Hassel stated that he does not see the need for the Executive Director to send a letter.

On motion by Dr. Smidt and seconded by Dr. Sypherd, the Board agreed to have the Executive Director send a letter to Mr. Gebre-Egziabher outlining the fact that the case is closed. A roll call vote was taken. (Mr. Van Hassel – nay, Ms. Galindo – nay, Dr. Smidt – aye, Ms. Honeyestewa – aye, Mr. Milovich – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Mr. McAllister – nay, and Dr. Berry – nay)

AGENDA ITEM 8 – Review of Open Meeting Laws

President Berry asked Ms. Campbell to address this agenda item.

Assistant Attorney General, Ms. Campbell gave a brief overview of open meeting laws. Ms. Campbell defined the following terms: open meeting, splintering, and polling. Ms. Campbell gave examples of situations when Board Members could violate open meeting laws related to e-mailing and discussions between Board Members.

AGENDA ITEM 9 – Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Mr. Wand stated that the Governor has signed a bill that would sweep 2.5 million of the 3 million in the pharmacy fund. Mr. Wand stated that finances would be very tight next year.

Fees Increase

Mr. Wand stated that as a result of the budget sweep it would be necessary to increase the fees in order for the Board to have enough funds to operate in the near future. Mr. Wand stated that the increases would take place in 2009.

Travel for Next Year

Mr. Wand stated that there would not be funds available for travel reimbursement next year as a result of the budget sweep.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report for the months of March and April with the Board Members. Ms. Frush explained that the numbers are slightly behind the number of inspections completed last year. Ms. Frush explained that there is one less Compliance Officer this year and due to the hiring freeze and budget sweep the Compliance Officer vacancy would not be filled at this time. Ms. Frush reviewed the Drug Inspectors Activity Report for the months of March and April with the Board Members.

During the months of March and April 2008, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 11
2. Controlled Substance Shortage – 6
3. Controlled Substance Inventory not taken at change of Pharmacist in Charge – 2
4. Controlled Substance Inventory incomplete – 5
5. Unable to locate Annual Controlled Substance Inventory - 2
6. Controlled Substance Record Keeping - 1

Documentation Violations

1. Failure to Document Medical Conditions - 3
2. Failure to sign daily log - 2
3. Failure to document counseling - 9
4. Failure to have required technician statements signed - 2

5. Failure to have documentation of maintenance of counting device - 1
6. Missing information on an oral prescription - 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy –9

Pharmacy Violations

1. Wall certificates not posted – 1
2. Allowing technician to work with an expired license - 2
3. Allowing an unlicensed technician to work - 1
4. Failure to have a technician-training program - 1
5. Failure to have a technician compounding manual - 1

The following areas were noted on the inspection reports for improvement:

1. Documentation of Counseling
2. Filing of controlled substance invoices to avoid overages or shortages
3. Outdated Rx's and OTC products in the pharmacy

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards:

1. Cleanliness of pharmacies

Areas outside the inspection reports that may be of interest:

- 1 Pharmacy technician trainees that cannot reapply and are allowed to work as clerks cannot perform duties of a pharmacy technician trainee.
2. CII prescriptions are not limited to a 30-day supply.

AGENDA ITEM 11 - Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 46 complaints. Dr. Berry, Ms. Honeyestewa, and Dr. Sypherd served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Dr. Sypherd and seconded by Dr. Smidt, the Board unanimously accepted the recommendation of the Consumer Complaint Review Committee for the following complaint. Mr. Haiber was recused due to a conflict of interest.

The following summary represents the discussion and final decision of the Board for this complaint:

Complaint #3524 - Dismiss

On motion by Dr. Sypherd and seconded by Mr. Milovich, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Mr. McAllister was recused due to a conflict of interest.

The following summary represents the discussion and final decisions of the Board for the following complaints:

Complaint #3489	-	Dismiss
Complaint #3513	-	Dismiss
Complaint #3525	-	Dismiss
Complaint #3527	-	Dismiss
Complaint #3531	-	Dismiss

On motion by Dr. Sypherd and seconded by Mr. Milovich, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Berry was recused due to a conflict of interest.

The following summary represents the discussion and final decisions of the Board for the following complaints:

Complaint #3431	-	Conference for the Pharmacist and both Technicians
Complaint #3458	-	Advisory Letter to the Pharmacist concerning final accuracy check
Complaint #3491	-	Dismiss
Complaint #3500	-	Conference for the Pharmacist and Both Technicians Open a complaint against the Pharmacist in Charge And the Permit Holder and invite to the conference
Complaint #3501	-	Advisory letter to both the Pharmacist and the Pharmacy technician concerning final accuracy check and data entry.
Complaint #3507	-	Advisory letter to the Pharmacist concerning counseling
Complaint #3509	-	Conference for the Pharmacist
Complaint #3514	-	Dismiss
Complaint #3515	-	Advisory Letter to the Pharmacist concerning final verification
Complaint #3516	-	Dismiss
Complaint #3517	-	Consent Agreement for the Pharmacist with the following terms: \$500 civil penalty and 8 additional hours of CE on medication errors. If the consent agreement is not signed, then the case would proceed to hearing. Advisory Letter to the Technician concerning data entry
Complaint #3539	-	Consent Agreement for Surrender of Pharmacist License. If not signed, then the case would proceed to hearing.

On motion by Dr. Sypherd and seconded by Mr. Haiber, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

Complaint #3484	-	Dismiss
Complaint #3488	-	Dismiss

Complaint #3490	-	Advisory Letter to the Pharmacist concerning final Verification
Complaint #3493	-	Dismiss
Complaint #3498	-	Consent Agreement for the technician for PAPA. If the agreement is not signed, then the case would proceed to hearing.
Complaint #3502	-	Dismiss
Complaint #3503	-	Dismiss
Complaint #3504	-	Dismiss
Complaint #3505	-	Advisory Letter to the Pharmacist concerning refill frequency
Complaint #3506	-	Dismiss
Complaint #3508	-	Dismiss
Complaint #3510	-	Conference for the Pharmacist
Complaint #3518	-	Consent Agreement for the Pharmacist with the following terms: \$1,000 civil penalty and 8 additional hours of CE on medication errors. If the consent agreement is not signed, then the case would proceed to hearing.
Complaint #3519	-	Dismiss
Complaint #3520	-	Conference for both pharmacists
Complaint #3521	-	Dismiss
Complaint #3523	-	Consent Agreement for the Pharmacist with the following terms: \$500 civil penalty and 8 additional hours of CE on medication errors. If the consent agreement is not signed, then the case would proceed to hearing.
Complaint #3526	-	Conference for the Pharmacist and both Technicians
Complaint #3529	-	Dismiss. Refer complaint to the medical board
Complaint #3532	-	Advisory Letter to the Pharmacist concerning the removal of the licenses. Dismiss the complaint against the Pharmacy Intern and Technician
Complaint #3486	-	Dismiss
Complaint #3533	-	Consent Agreement for PAPA with credit for time served in PAPA. If not signed, the case would then proceed to hearing.
Complaint #3534	-	Consent Agreement for PAPA with credit for time served in PAPA. If not signed, the case would then proceed to hearing.
Complaint #3535	-	Consent Agreement for PAPA. If not signed, the case would then proceed to hearing.
Complaint #3536	-	Conference for the Pharmacist
Complaint #3537	-	Authorize the Executive Director to order an evaluation within 2 weeks
Complaint #3538	-	Consent Agreement for Revocation. If not signed, the case would proceed to hearing.
Complaint #3540	-	Conference for the Pharmacist

AGENDA ITEM 11 – Consent Agreements

President Berry asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents.

The consent agreements are listed below. A roll call vote was taken. . (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Ms. Honeyestewa –aye, Mr. Milovich-aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

Jason Kurneta	-	08-0024-PHR
Novel International Compounding Pharmacy	-	08-0025-PHR
Joe Maximini	-	08-0026-PHR
Nicole Perkins	-	08-0031-PHR
Joseph Chen	-	08-0039-PHR
Med4Home	-	08-0041-PHR

AGENDA ITEM 12 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Berry addressed this issue. Dr. Berry stated that Mr. Wand has reviewed the requests.

Mr. Wand stated that beginning in May this year there will be some pharmacy technician trainees that have not passed the test to become certified and will no longer be able to work as pharmacy technician trainees. Mr. Wand stated that the statutes only allow them to reapply for licensure one time for a total of 4 years.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

- | | |
|---------------------------|-------------------------|
| 1. Isaac Contreras | 32. Holly Dains |
| 2. Joel Geller | 33. Christine Hackleman |
| 3. Verdena Grupe | 34. Joanna Montes |
| 4. Nadia Gornic | 35. Monicah Cowie |
| 5. Lynda Lampkin | 36. Miguel Diaz |
| 6. Matilda Aguilar | 37. Julie Hernandez |
| 7. Lourdes Arevalo | 38. Travis Wissinger |
| 8. Lynda Baird | 39. Perla Gastelum |
| 9. Christopher Cornelison | 40. Reynaldo Torres |
| 10. Andy Coker | 41. Terry Drengson |
| 11. Nadine Geiman | 42. Cassidy Bristoe |
| 12. Susan Jewell | 43. Makala Simmons |
| 13. Christina McGuire | 44. Kelly Hanson |

14. Constance Oberhufer
15. Marisela Cervantes
16. Guadalupe Halstead
17. Louis Holguin
18. Julianne Martin
19. Maria Arzola
20. Evelyn Hanley- Bacon
21. Mai Hoang
22. Modesta Littleman
23. Bac Phuong Phu
24. Olga Wilcox
25. Marlene Davis
26. Katherine Zack
27. Paul Moore- Robinson
28. Cidney Bachi
29. Megan Conner
30. Lizzette Luna
31. Matthew Stevens

45. Vicente Sanchez
46. Gregory Conti
47. Simon Alcantar
48. Joanie Cowin
49. Marcilyn Whitehurst
50. Frank Jaurequi. Jr.
51. Ashlyn Statello
52. Shirin Zanganeh
53. Deborah Lantz
54. Joyce McAlpine
55. Yvette Cohoe
56. Irene Rodriguez
57. Edwin Wickey
58. Gorden Hayles
59. Terry Grant
60. Angelina Johansen
61. Veronica Ruiz

AGENDA ITEM 19 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one come forth.

The meeting recessed at 3:00 P.M.

AGENDA ITEM 1 – Call to Order – May 15, 2008

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Joanne Galindo, Steven Haiber, Ridge Smidt, Paul Sypherd, and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 13 – Proposed Rules

Unethical Practice Rules

Rules Writer Dean Wright opened the discussion by stating that the original docket was opened on April 6, 2007 and a notice of proposed rulemaking was published on December 14, 2007. A public hearing was held on January 14, 2008. After receiving public comments, the Board decided to remove some language and add a new definition for

“medical practitioner-patient relationship. The original docket was terminated and a new docket was opened on February 22, 2008 and a notice of proposed rulemaking was published on March 7, 2008. A public hearing was held on April 7, 2008. There was one person who attended the hearing and provided written comments supporting the rulemaking.

Mr. Wright stated that he has prepared the Notice of Final Rulemaking and Economic Impact Statement for Board Approval.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the Notice of Final Rulemaking and authorized Mr. Wright to proceed with the rulemaking process.

Declared Emergencies Rules

Rules Writer Dean Wright opened the discussion stating that in 2007, the Legislature passed HB 2155 adding A.R.S. § 32-1910 Emergencies; continued provision of services to the Pharmacy Act. A.R.S. § 32-1910 requires the Board to cooperate with this state and a county, city, or town to ensure the provision of drugs, devices, and professional services to individuals affected by a declared state of emergency related to a natural disaster or terrorist attack.

Mr. Wright stated that the proposed rules would add definitions to R4-23-110. The proposed rules would also add three new sections: R4-23-412 (Emergency Refill Prescription Dispensing), R4-23-413 (Temporary Recognition of Non-resident Licensure), and R4-23-617 (Temporary Pharmacy Facilities or Mobile Pharmacies). The new sections would establish requirements for the dispensing of an emergency refill prescription, temporary recognition of a non-resident licensee working in Arizona during a declared emergency, and operation of temporary pharmacy facilities or mobile pharmacies during a declared emergency.

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously approved Mr. Wright to proceed with the rulemaking process.

Pharmacist-administered Immunizations

Rules Writer Dean Wright opened the discussion stating that a notice of proposed rulemaking was published on March 7, 2008. A public hearing was held on April 7, 2008. Janet Elliott representing the Arizona Community Pharmacy Committee attended the hearing and provided written comments voicing the committee’s support of the rulemaking.

Mr. Wright stated that he has prepared the Notice of Final Rulemaking and Economic Impact Statement for Board Approval.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously approved the Notice of Final Rulemaking and authorized Mr. Wright to proceed with the rulemaking process.

Fees rule

Mr. Wand stated that the Board is expecting a shortfall of funds for Fiscal Year 2010 beginning in July of 2009. Mr. Wand explained that the fee increases would be necessary to help meet the shortfall.

Mr. Wright stated that he has entered the proposed changes. The Board Members discussed the proposed changes.

On motion by Mr. Van Hassel and seconded by Mr. Haiber the Board unanimously approved Mr. Wright to proceed with the rulemaking process.

AGENDA ITEM 14 – Five-Year Review of Rules – Articles 6 and 8

Rules Writer Dean Wright opened the discussion by stating that he has prepared the final documents for Board review concerning the five-year review of rules.

Mr. Wright stated that there are several proposed changes or corrections to the rules and dockets to make the changes would be opened in the future.

On motion by Dr. Smidt and seconded by Mr. McAllister, the Board unanimously approved the five-year review authorizing Mr. Wright to proceed with the review process.

AGENDA ITEM 15 – Selection of Date for First Meeting of the Long Term Care Task Force

The Board Members serving on the Task Force selected June 30, 2008 at 1:00 P.M. as the date for the first meeting of the Long Term Care Task Force.

AGENDA ITEM 16 – Thomas Branson- Review and possible action regarding Amended consent agreement and presentation by Affiliated Monitors, Inc.

President Berry opened the discussion by stating that Mr. Vincent DiCianni from Affiliated Monitors, Inc. was present to give the Board Members a brief presentation of the services his company could provide to the Board.

Mr. DiCianni stated that Affiliated Monitors, Inc. is a company that provides monitoring services in the healthcare environment.

Mr. DiCianni stated that his company has worked with various healthcare boards in other states.

Mr. DiCianni stated that when a Board issues a consent agreement to a licensee, his company could provide monitoring services.

Mr. DiCianni stated that they could pattern their contract with the licensee to meet the requirements imposed by the Board.

Mr. DiCianni stated that their monitors are specialists in their fields and are licensed by the state Board in the state that monitoring would be provided.

Mr. DiCianni stated that his company would like for the Board to recommend their company for monitoring services.

Mr. Wand opened the discussion by stating that Mr. Diciani had stopped by the office one day to discuss the monitoring services that his company could provide.

Mr. Wand stated that presently the Board has one case before them that may benefit from the services provided by Affiliated Monitors, Inc.

Mr. Wand stated that Mr. Branson had signed an amended consent agreement with the Board that would allow him to work by himself until May 15, 2008. Mr. Branson was to either hire another pharmacist to work with him for the extent of his consent agreement or establish a telecommunication link with another pharmacy where another pharmacist would verify his work. Mr. Wand stated at this time Mr. Branson was unable to hire another pharmacist and was not able to establish a link with another pharmacy to verify his work.

Mr. Wand suggested that this might be an alternative to resolve the issue of Mr. Branson's consent agreement.

Ms. Campbell stated that the Board might want to hear from Mr. Branson's counsel if he is willing to accept an amended consent agreement for monitoring services from Affiliated Monitors at his expense.

Mr. Morris, Legal Counsel, for Mr. Branson stated that Mr. Branson has spoken with Affiliated Monitors and is agreeable to establishing a contract with Affiliated Monitors, Inc. to satisfy his consent agreement.

Mr. Wand stated that Mr. Branson's current consent agreement ends in November of 2008. Mr. Wand stated that the Board Members could consider if they would like the agreement to end in November or if they would like to extend the agreement.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to authorize the Executive Director and Assistant Attorney General to draft an amended consent agreement similar to the contract terms used by the Colorado Board requiring Mr. Branson to sign a contract with Affiliated Monitors, Inc. at his expense through November of 2008. The consent would become effective upon Mr. Branson signing the consent. A roll call vote was taken. . (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

Mr. Morris stated that the Board might want to extend Mr. Branson's amended consent until the final consent agreement is complete. Mr. Morris suggested that the Board might want to extend the consent for 30 days.

On motion by Dr. Sypherd and seconded by Mr. Van Hassel, the Board unanimously agreed to extend Mr. Branson's current amended consent agreement for 30 days.

AGENDA ITEM 17 – Low Cost – Case 07- 0049 – PHR- Review and possible action regarding proposed consent agreement

President Berry stated that the Board has before them a proposed consent order that has been signed by Low Cost Pharmacy.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board approved the proposed consent order signed by Low Cost Pharmacy. A roll call vote was taken. . (Mr. Van Hassel – nay, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

AGENDA ITEM 18 – Hearings and Motions to Deem

#1 Teresa Brown

President Berry opened the discussion by stating that Ms. Brown has signed a consent agreement for revocation and the Board could accept the Consent Agreement in lieu of holding the hearing.

On motion by Mr. Van Hassel and Mr. McAllister, the Board unanimously agreed to accept the consent agreement for revocation signed by Ms. Brown. The consent agreement is 08-0034-PHR. A roll call vote was taken. . (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

#2 Teri Acedo

President Berry opened the discussion by stating this is the time and place for consideration of the State’s Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted. The matter was set for formal hearing at this date and time. The Attorney for the State has filed the current motion before us today.

President Berry asked if Ms. Acedo was present. Ms. Acedo was not present.

President Berry asked if the Assistant Attorney General would like to make any comments.

Ms. Campbell stated that a complaint was filed and Ms. Acedo failed to respond and at this time the Board may grant or deny the State’s motion to Deem Allegations Admitted.

President Berry asked if the Board would like to make a Motion granting or denying the State’s motion to Deem Allegations Admitted.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to grant the State’s Motion to Deem Allegations Admitted

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that she does not have a recommendation and the Board can impose any discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to revoke Pharmacy Technician License T000003 issued to Teri Acedo. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

#3 Glenda Lopez

President Berry opened the discussion by stating this is the time and place for consideration of the State’s Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted. The matter was set for formal hearing at this date and time. The Attorney for the State has filed the current motion before us today.

President Berry asked if Ms. Lopez was present. Ms. Lopez was not present.

President Berry asked if the Assistant Attorney General would like to make any comments.

Ms. Campbell stated that a complaint was filed and Ms. Lopez failed to respond and at this time the Board may grant or deny the State’s motion to Deem Allegations Admitted.

President Berry asked if the Board would like to make a Motion granting or denying the State’s motion to Deem Allegations Admitted.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to grant the State’s Motion to Deem Allegations Admitted

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that she does not have a recommendation and the Board can impose any discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to revoke Pharmacy Technician License T001936 issued to Glenda Lopez. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Haiber –aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry –aye).

AGENDA ITEM 19 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

A pharmacist came forth stating that the Board should put an article on counseling in an upcoming newsletter

AGENDA ITEM 20 – Discussion of items to be placed on a future meeting agenda

Mr. Van Hassel stated that he would like to see the Board discuss the responsibility of the Pharmacist in Charge to check the licenses of all employees for expiration dates.

AGENDA ITEM 21 – Adjournment

There being no further business to come before the Board, **on motion by Dr. Smidt and seconded by Mr. McAllister**, the Board unanimously agreed to adjourn the meeting at 11:30 A.M.